



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, September 7, 2023 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

The meeting was a regular meeting designated by resolution. Notice of the meeting was provided 24 hours in advance. A copy of the agenda was posted at City Hall and on the State of Utah Public Meeting Notice Website.

The following members were in attendance:

Sid Bodily, Chairman

Diana Baker

Chandler Bingham

Chad Braegger, Alternate

Brian Gilbert, Alternate

Blake Harrop

Chris Davis, City Manager

Colt Mund, City Attorney

Bryce Wheelwright, City Planner

Michelle Drago, Deputy City Recorder

Excused: Alex Dubovik and Zack Hulseay

Others in attendance: Mayor Travis Mote; Councilman John Seamons; Councilman Kunzler; Councilman Mike Braegger; Councilman Rod Mund; Doug Thompson; Rew Wiley; Ken Ormond; Ruth Ormond; Nate Stobbe; Chris Marx; Colton Kapp; Nelson Kapp; Leland Steve Davies; Rod Braegger; Debbie Braegger; Brett Hubbard; Julie Simmons; and Pat Burns, Lync Construction.

Prior to the meeting Chris Davis administer oaths of office to Chad Braegger and Brian Gilbert.

The meeting was called to order at 6:30 p.m.

1. PRAYER: Sid Bodily
2. PLEDGE OF ALLEGIANCE: Diana Baker
3. GENERAL PUBLIC COMMENTS

There were no comments.

4. CITY COUNCIL REPORT

Time Stamp: 02:27 09/07/2023

Councilman Seamons reported on the August 24th City Council meeting:

The City Council approved a new contract with the Mann, Hadfield, and Thorne, the City's legal counsel.

The Council then considered a petition for annexation from Make Bastian for property located on the south side of South Willard.

The City Council considered and approved the Dark Sky Ordinance.

The Council also approved the amendment to the Zoning Ordinance to allow alternate Planning Commission members and to give them voting rights.

The City Council scheduled a joint work session with the Planning Commission on Thursday, August 31st, to discuss Willard's annexation policy.

The City Council received an update regarding repairs to the HOP Trail by Rocky Mountain Power. The Council also discussed building a pickleball court at Central Park.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, September 7, 2023 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

The part that was designated A-3 contained a five acre lot and three half-acre lots. The overall density would be A-3.

Commissioner Gilbert liked it and its rural feel.

Commissioner Harrop asked how much acreage would be left below 500 West. Chris Marx stated that he had shown the location of a future 500 West at the City's request. Its location was subject to change based on the location of the sewer line so he didn't know the exact acreage.

Commissioner Braegger said the sewer line ran north and south from 750 North to Center Street. He felt the sewer line needed to be located in 500 West or the UTA easement.

Commissioner Baker asked how UTA's development would affect the five-acre lot. Chris Marx stated that he had planned extra acreage on the west side so he would still have five acres after UTA's easement purchase. He wanted that five acres to remain in the green belt. Commissioner Braegger said the sewer was 20 to 25 feet from the west property line. Mr. Marx said UTA was trying to purchase 27 feet from the west property line.

Chairman Bodily did not have a problem with the proposed amendment. It fit the area. The Planning Commission needed to keep in mind that any change would be permanent.

Commissioner Bingham suggested that 400 North be stubbed to the north as well. Commissioner Braegger felt it would dead-end into Lynn Beard's property.

Commissioner Braegger asked about 400 West. Chris Marx stated that the City Engineer had asked him to include a stub for 400 West to extend to the south. Bryce Wheelwright stated that 400 West was shown on the master road plan. Commissioner Braegger suggested that the stub be moved further to the west so that it didn't run into a structure on the adjoining property.

Bryce Wheelwright reminded the Planning Commission that they were considering an amendment to the Future Land Use Map, not the subdivision design.

Commissioner Bingham moved to recommend that the City Council approve a proposal from Chris Marx to amend the 2017 Future Land Use Map of the Willard City General Plan (Chapter 12-000) by changing the future land use designation for approximately 10.84 acres located at approximately 297 West 380 North from A-3 to R ½. Commissioner Braegger seconded the motion. All voted "aye," except Commissioner Baker who voted "nay." The motion carried.

5C. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A PETITION FROM CHRIS MARX TO REZONE APPROXIMATELY 10.84 ACRES LOCATED AT APPROXIMATELY 297 WEST 380 NORTH FROM A-5 TO R ½ (PARCEL NOS. 02-044-0008, 02-046-0010, 02-046-011, AND 02-046-0012) (CONTINUED FROM JUNE 1 AND AUGUST 17, 2023)

Time Stamp: 25:15 09/07/2023

Bryce Wheelwright stated that based on the Planning Commission's recommendation to amend the Future Land Use Map, it could now make a recommendation regarding the rezone petition from Chris Marx.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, September 7, 2023 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Commissioner Harrop asked if the size of the adjusted lots complied with the zoning requirement. Mr. Wheelwright said the 80-foot frontage of Parcel 2 (02-055-0010) was too narrow to be considered a building lot. Ms. Simmons said she was aware of that.

Commissioner Baker moved to approve the lot line adjustment for the Norris Hubbard property located at approximately 1094 South Main (Parcel Nos. 02-055-0010, 02-055-0011, 02-055-0012). Commissioner Harrop seconded the motion. All voted “aye.” The motion passed unanimously.

5F. REVIEW OF CONDITIONAL USE PERMIT ISSUED TO JOSH BRAEGGER FOR A BASEMENT APARTMENT LOCATED AT 53 NORTH 100 WEST (PARCEL NO. 02-047-0074) ON JUNE 19, 2020

Time Stamp: 37:19 09/07/2023

Bryce Wheelwright stated that the Planning Commission approved a conditional use permit for Josh Braegger for a basement apartment located at 53 North 100 West on June 19, 2020. He had spoken to Mr. Braegger about the Planning Commission's review. Mr. Braegger still had renters, and nothing had been changed. However, since the conditional use permit was issued, the State Legislature had legalized internal accessory dwelling units. Last year the City adopted ADU regulations. Mr. Braegger could choose to abandon the conditional use permit and abide by the City's new ADU ordinance.

There was a discussion about the conditional use permit list.

Chairman Bodily asked if a conditional use permit had to go with a property. If there was an approved conditional use, and a new property owner did something different, shouldn't the conditional use permit go away? Colt Mund stated that a conditional use permit ran with the land. A conditional use permit could be abandoned through non-use or non-compliance. When the Planning Commission amended the Conditional Use Ordinance, it talked about reviewing the conditional use permits. If there was a situation where a landowner received a conditional use permit and then sold the land, the Planning Commission could terminate the conditional use permit.

Colt Mund stated that in the case of Josh Braegger, the City now had an ADU Ordinance. Was there any difference between the ADU regulations and what was required when the conditional use permit was issued? If there wasn't, the conditional use permit could be terminated, and Mr. Braegger could just comply with the ADU Ordinance. Mr. Braegger would have to determine whether or not to keep the CUP. If Mr. Braegger terminated the CUP, he would have to come into compliance with the ADU Ordinance.

Bryce Wheelwright stated that the apartment was probably larger than 1,000 square feet. Colt Mund stated that the apartment was grandfathered in. He was comfortable keeping the conditional use permit in place as long as Josh Braegger was using it. It might be if the conditional use permit remained active and Mr. Braegger complied with the conditions of the conditional use permit.

Chris Davis, City Manager, suggested that the Planning Commission table its review until Bryce Wheelwright had spoken with Josh Braegger about how he wanted to proceed.

Commissioner Baker moved to table the review of Josh Braegger's conditional use permit until Bryce Wheelwright spoke with him about how he wanted to proceed. Commissioner Bingham seconded the motion. All voted “aye.” The motion passed unanimously.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, September 7, 2023 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Commissioner Braegger stated that there was an address in Granite Ridge at 271 East 600 South that needed to be changed. The address was impossible to find. Bryce Wheelwright agreed that it needed to be changed. This was a corner lot. Two addresses were assigned to the lot depending on the orientation of the house. The address needed to be changed to the other orientation.

Commissioner Bingham

Did not have any comments.

Bryce Wheelwright

Did not have any comments.

8. ADJOURN

Commissioner Harrop moved to adjourn at approximately 7:21 p.m. Commissioner Bingham seconded the motion. All voted in favor. The motion passed unanimously.

9. WORK SESSION WITH THE CITY COUNCIL REGARDING THE GENERAL PLAN DRAFT WHICH WOULD AMEND CHAPTER 12-000 OF THE WILLARD CITY ZONING ORDINANCE

Time Stamp: 00:00 09/07/2023 Work Session with the City Council

The Planning Commission held a work session with the City Council to discuss the Future Land Use Map of the General Plan DRAFT. The work session began at 7:27 p.m. Those in attendance were:

Planning Commission – Sid Bodily, Chairman; Diana Baker; Chandler Bingham, Chad Braegger/Alternate, Brian Gilbert/Alternate, and, Blake Harrop.

Staff – Chris Davis, City Manager; Colt Mund, City Attorney; Bryce Wheelwright, City Planner, Michelle Drago, Deputy City Recorder.

City Council – Mayor Travis Mote, Councilman Mike Braegger; Councilman Kaleb Kunzler, Councilman Rob Mund; and Councilman John Seamons.

Others – ; Ken Ormond; Ruth Ormond; Rew Wiley; Rod Braegger; Debbie Braegger; and Pat Burns, Lync Construction.

Mayor Mote stated that the City Council and Planning Commission had talked a lot about lot sizes and property rights. The purpose of the work session was to refine that discussion. He felt resources needed to be discussed with the General Plan. Water was one of those resources.

The City Engineer estimated that there were 1,800 developable acres left in Willard. Mayor Mote shared calculations he had made for needed water based on half-acre and one acre densities (see attached copy). He felt water would constrain the City more than lot sizes. He also felt the City needed to set a base lot size/density. After running the calculations, he felt that the amount of water needed for half-acre and one-acre lots was less than third-acre lots. The City Engineer did not set aside any water for commercial use. He didn't feel it would be wise to allocate all of the water. The City needed to have a water reserve. He felt



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, September 7, 2023 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

for a development agreement. The development agreement superseded every City ordinance. A development agreement created an ordinance and zone for a development. A development agreement was the strongest tool the City had.

Colt Mund stated that a development agreement was a binding agreement that could be enforced.

There was a discussion about development agreements.

Time Stamp 1:00:42

Mayor Mote stated that the Planning Commission and City Council were still talking about tools. He polled each individual about their vision:

Commissioner Bingham felt a blanket density of .75 or .66, which was equivalent to a half-acre lot, and usage of the MPC Zone would accomplish the same thing as a TDR.

Commissioner Braegger – leaned toward a blanket lot size of a half-acre.

Chairman Bodily – half-acre lot size

Commissioner Gilbert – half-acre lot size

Commissioner Harrop – half-acre acre with ability to have larger lots

Commissioner Baker – half-acre with interest in TDR's

Councilman Seamons – half-acre

Councilman Braegger – half-acre

Councilman Kunzler – leaned toward three-quarter density

Councilman Mund – no issues with half-acre

Mayor Mote felt that lot size had been the sticking point for moving the General Plan forward. There had been a lot of discussion with the community. A lot of people felt disenfranchised by the proposed future land use map with some merit. He felt the City absolutely had to protect the commercial areas. Annexation was also a topic of discussion. The City Attorney recommended that the City consider zoning for South Willard in case annexation ever took place.

Mayor Mote felt the Planning Commission now had a feel for what to recommend to the City Council – half-acre lot zoning.

Bryce Wheelwright asked if that would eliminate zoning. There was discussion about rezoning the entire City half-acre after the General Plan was finished, except for the commercial area.

Mayor Mote felt the Zoning Ordinance needed to define the Retail Zone.

The work session adjourned at 8:39 p.m.

Minutes were read individually and approved on:

9/21/23



Planning Commission, Chairman
Sid Bodily
dc:PC 09-07-2023



Planning Commission Secretary
Michelle Drago